

1 February 12, 2019



**Talbot County Planning Commission  
Final Decision Summary**

Wednesday, December 5, 2018 at 9:00 a.m.  
Bradley Meeting Room  
11 N. Washington Street, Easton, Maryland

**Attendance:**

Commission Members:

Staff:

- 11
- 12 John N. Fischer, Jr., Chairman
- 13 Paul Spies, Vice Chairman (absent)
- 14 William Boicourt
- 15 Michael Sullivan
- 16 Phillip “Chip” Councill

- 19
- 20 Mary Kay Verdery, Planning Officer
- 21 Miguel Salinas, Assistant Planning Officer
- 22 Brennan Tarleton, Planner I
- 23 Elisa Deflaux, Environmental Planner
- 24 Mike Duell, Code Enforcement Officer
- 25 Mary O’Donnell, Assistant County Attorney
- 26 Carole Sellman, Recording Secretary

29 **1. Call to Order**—Commissioner Fischer called the meeting to order at 9:02 a.m.  
30 Commissioner Fischer explained there were only four (4) members of the Commission  
31 present and that a tie vote is considered a negative vote. He stated that any applicant may  
32 choose to withdraw their application until the next month without penalty.

34 **2. Decision Summary Review**—November 7, 2018—The Commission noted the  
35 following corrections to the draft decision summary:

- 36 a. Line 375, the words “not effect” should be changed to read: “no effect”.

38 **Commissioner Boicourt moved to approve the draft Planning Commission  
39 Decision Summary for November 7, 2018, as amended. Commissioner  
40 Sullivan seconded the motion. The motion carried unanimously. (4-0,  
41 Commissioner Spies absent)**

**3. Old Business**

45 Ms. Verdery stated there is no old business but we have some new faces. Ms. Verdery  
46 introduced Mike Duell, the Code Enforcement Officer who took Mr. Graham's place  
47 when he retired. Mr. Duell described his background as a retired Chief of Police from  
48 New Jersey, having worked in corporate security for fifteen years after retirement. He  
49 stated he was drawn to the area through his son who was a state police officer, but is now  
50 a special agent for the secret service. Mr. Duell also stated he enjoys working with the  
51 Planning and Zoning Department and looks forward to working with the Commission.

53 Ms. Verdery also recognized Duane Gottschalk, who is the Alcohol Beverage Inspector  
54 and Code Enforcement Officer. She stated he will be our night and weekend eyes and  
55 ears helping with code enforcement, including enforcement of the Noise Ordinance and

56 Short Term Rentals. Mr. Gottschalk stated he, like Mr. Duell, has a law enforcement  
57 background and is happy to be working in Talbot County. Ms. Verdery said Mr. Duell  
58 and Mr. Gottschalk are two great additions to the Code Enforcement Department.  
59

60 Commissioner Fischer stated that increased enforcement of Short-Term rentals was one  
61 of the things the County did correctly.  
62

#### 63 4. New Business

- 64  
65 a. Major Site Plan—LS Futures, LLC (Ferry Point Marina)—1601 Marina Drive,  
66 Trappe, MD 21673 (map 62, grid 19, parcel 43, zoned Limited Commercial), Jake  
67 Laureska, Rauch, Inc., Agent.  
68

69 Ms. Deflaux presented the staff report for Major Site Plan approval to construct a  
70 boat maintenance and repair facility that will provide regular mechanical boat  
71 maintenance, electrical work and other system repairs. Ms. Deflaux stated there  
72 will be no painting or boat finishing contained within this facility, which is  
73 classified as “Automobile service, repair, washing and fuel sales”; a permitted use  
74 in the Limited Commercial Zoning District. In addition, she said, the applicant is  
75 proposing to construct an outdoor boat parking and storage area, classified as  
76 “Vehicle and boat parking and storage (“commercial)” which is a permitted use in  
77 the Limited Commercial Zoning District (LC District). Ms. Deflaux stated that  
78 according to Section 190-29.22.C, outside boat parking and storage may be  
79 allowed by special exception in the LC District. In addition, she stated, according  
80 to *Talbot County Code* §190-60 decisions on Major Site Plans must be made by  
81 the Planning Commission. Ms. Deflaux added that the applicant is requesting  
82 waivers from the *Talbot County Code* §190-41.3 related to minimum parking  
83 requirements.  
84

85 Ms. Deflaux indicated that the applicant will be conforming to a significant  
86 portion of the design standards and were able to achieve some relief of the  
87 standards by means of a previously approved minor variance. However, she  
88 added, there is an outstanding concern regarding the lack of a landscaping plan  
89 consistent with §190-40 of the Code. Absent an updated landscaping plan, Ms.  
90 Deflaux indicated that any Site Plan approvals will be conditioned upon the  
91 applicant providing a code compliant landscaping plan. She stated that if the  
92 applicant cannot meet the minimum requirements of the landscaping standards, an  
93 alternative landscaping plan would then need to be submitted for approval by the  
94 Planning Commission.  
95

96 Ms. Deflaux outlined staff recommendations include in the staff report.  
97

98 Ms. Verdery stated that comments were received from the Critical Area  
99 Commission staff late yesterday afternoon that provides background information  
100 and expresses their concerns regarding the uses and violations that exist on the  
101 property. Specifically, she stated, the letter refers to the Natural Resource Article

102 Regulations that a local jurisdiction cannot issue a permit, approval, variance or  
103 special exception unless the person seeking that permit, approval, variance or  
104 special exception has paid any administrative, civil or criminal penalties related to  
105 violations, prepares a restoration or mitigation plan, and performs abatement  
106 measures. Ms. Verdery further described the letter as stating the applicant had not  
107 satisfied the requirements, nor had the applicant completed the following  
108 requirements: 1) requested or obtained an amendment to the Talbot County Code  
109 for non-water dependent structures; 2) obtained approval from the Maryland  
110 Department of the Environment for work commenced in tidal waters; and  
111 3) provided proof of application to United States Coast Guard or detail of the  
112 status of the application for registering the two-story floating vessel.  
113

114 Ms. Verdery stated the Critical Area Commission is asking that the County's  
115 approvals for the site plan and special exception be delayed until they have  
116 addressed their comments and until the site has been brought into compliance  
117 with the Critical Area, state and local laws.  
118

119 Jake Laureska, Rauch, Inc. and his client Ms. Cheryl Hughes, appeared before the  
120 Commission.  
121

122 **Commissioner Sullivan moved that the Commission go into Executive**  
123 **Session; Commissioner Boicourt seconded the Motion. The motion passed**  
124 **unanimously (4-0).**  
125

126 The Commission entered into Executive Session at 9:21 a.m.  
127

128 The Commission reconvened at 10:00 a.m.  
129

130 **Commissioner Fischer stated that in light of the recent letter received from**  
131 **the Critical Area Commission late yesterday the Commission will continue**  
132 **this discussion at their next meeting.**  
133

134 Commissioner Fischer asked for public comment.  
135

136 Alexis Kramer, Ewing, Dietz, Fountain & Kehoe, attorney for LS Futures, LLC.  
137 He stated that the issue related to the barge is not on either of the parcels and, if it  
138 was to be considered on a parcel, it would be on Parcel 80. He also stated they are  
139 aware of no violation currently existing on Parcel 43, as the outstanding issue is  
140 associated with Parcel 80. Mr. Kramer noted that they have appealed the  
141 violations related to Parcel 43 and it is in the Office of Administrative Hearings.  
142 He stated that so far no action has been brought against his client and for the  
143 Critical Area Commission staff to send this letter at the eleventh hour is unfair;  
144 the Commission should move forward.  
145

146 **Commissioner Councill moved to continue the Major Site Plan and the**  
147 **Special Exception for LS Futures, LLC (Ferry Point Marina), 1601 Marina**

148 Drive, Trappe, MD 21673; to the January meeting. Commissioner Sullivan  
149 seconded the motion. The motion carried unanimously (4-0).  
150

151 **5. Discussion Items**

152 a. Town of Easton MXW Zoning District Update  
153

154 Lynn Thomas, Town Planner, Sharon Van Emburgh, Town Attorney, Richard  
155 Tettlebaum, Chairman Planning Commission. Mr. Thomas provided an update on  
156 the mixed use waterfront zoning district. He said they spent the better part of 2017  
157 to develop standards for the approved district but due to time constraints, there  
158 was more work to be done. He stated they have finally reached the point where  
159 they are comfortable putting out a document for public comment related to further  
160 amendments to the approved district. He noted there is a Town of Easton Planning  
161 Commission public hearing today at 6 p.m. related to the draft document.  
162

163 Mr. Thomas said that, in general, the changes proposed are relatively few, but  
164 significant, including the creation of bonus provisions that allow a property owner  
165 or developer to exceed density and bulk standards by paying a fee which would  
166 go toward public amenities; boardwalk, transient boat slips and public parking.  
167 He noted that the list of amenities may be adjusted in the future or substituted  
168 with different amenities as they are intending to pursue grant funding to pay for  
169 these amenities. Mr. Thomas stated that rather than an elaborate point system  
170 included in a previous draft, there would be a per square foot fee of \$9.50. He also  
171 stated that there is not an unfettered or unlimited amount to exceed the standards;  
172 there is a moderate limit. Commissioner Fischer asked whether the bonus related  
173 to density or lot coverage. Ms. Van Emburgh responded that it was both. Mr.  
174 Thomas added they have cut the base maximum permitted zoning to 12 units an  
175 acre from 30, and provide the ability to increase with the bonus.  
176

177 Ms. Van Emburgh showed the Commission a rendering of the area and pointed  
178 out what sections were available for development. Ms. Van Emburgh noted there  
179 is only a small area of Easton Point that can be developed.  
180

181 Commissioner Boicourt said there was a thought to have more green space and  
182 Ms. Van Emburgh pointed out the possibility of a park north of Port Street.  
183 Ms. Van Emburgh stated the Town is now working on getting a grant for some of  
184 the land and Mr. Thomas stated that the Town already owns 11 acres; clearing  
185 should be evident this spring. He noted that the pedestrian bridge is in place.  
186

187 Commissioner Boicourt stated he would encapsulate some of the comments from  
188 today's meeting, with assistance from Commissioner Councill, and prepare a  
189 letter to the Town Planning Commission with a copy to the County Council.  
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191 **6. Staff Matters**

192 a. Ms. Verdery noted that Grace Davis, Permit Tech for the Office of Permits and  
193 Inspections, received the ICC Maryland Permit Tech of the Year award yesterday.

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- b. Ms. Verdery stated that January is the meeting to elect new officers and the Commission may want to start thinking of nominations.
  
- c. A map was distributed to the Commission where Mr. Salinas stated the bright yellow on the map is an existing Priority Funding Area (PFA) area approved by the Maryland Department Planning (MDP). He noted that, on the map, there is a property in white that includes the St. Michaels Inn. He stated that the property adjacent to the south of the Saint Michaels Inn, the Shannahan property, is undergoing review for PFA designation and MDP asked if the County would consider adding the St. Michaels Inn property to the PFA request. Mr. Salinas cautioned that the inn is not asking for sewer provision as this point.

**Commissioner Councill moved that the County Council favorably consider the St. Michaels Inn property, located at 1228 Talbot Street, be included in the Priority Funding Area. Commissioner Boicourt seconded the Motion. All in favor, 4-0.**

Ms. Verdery presented Mr. Fischer with gifts representing staff’s appreciation for his years of service on the Planning Commission.

**7. WorkSessions**

**8. Commission Matters**

**9. Adjournment**–Commissioner Fischer adjourned the meeting at 10:45 a.m.